



Legislation Text

File #: RES PH 22-2, **Version:** 1

Approving the applications of Saint Paul Winter Carnival for two sound level variances in order to present live amplified sound for the Saint Paul Winter Carnival on January 28, 2022 through February 6, 2022 at Rice Park - 109 W 4th St and at Landmark Plaza Park, 379 St Peter St.

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Saint Paul Festival & Heritage Foundation, represented by Lisa Jacobson, CEO, who has been designated as the responsible person on the application, has applied for two variances, for a requested sound level limit of 100 dBA measured at 100 ft to present amplified sound at Rice Park - 109 W 4th St. and at Landmark Plaza Park, 379 St Peter Street; and

WHEREAS, applicant has requested a variance for the hours of 9:00 a.m. to 10:00 p.m. on January 28, 29, 30, and February 4, 5 2022, hours of 3:00 p.m. to 10:00 p.m. on January 31 and February 1,2,3 2022 and hours of 9:00 a.m. to 5:00 p.m. on February 6, 2022 for the Saint Paul Winter Carnival; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Rice Park - 109 W 4th St and at Landmark Plaza Park, 379 St Peter St.; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance. Now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Saint Paul Festival & Heritage Foundation, subject to the following conditions:

- 1) The Variances at Rice Park and at Landmark Plaza Park shall be for the hours of 9:00 a.m. to 10:00 p.m. on Fridays, Saturdays and Sunday, January 28, 29, 30, and February 4, 5, 2022, hours of 3:00 p.m. to 10:00 p.m. on Monday, January 31 and Tuesday, Wednesday and Thursday, February 1,2,3 2022 and hours of 9:00 a.m. to 5:00 p.m. on Sunday, February 6, 2022.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 92 dBA as measured at 50 feet from all sound sources.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. January 28, 2022 to February 5, 2022 and no later than 5:00 p.m. on Sunday, February 6, 2022, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the January 28 through February 6, 2022 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Saint Paul Festival & Heritage Foundation, represented by Lisa Jacobson, CEO, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 9:00 a.m. to 10:00 p.m. on January 28, 29, 30, and February 4, 5 2022, hours of 3:00 p.m. to 10:00 p.m. on January 31 and February 1,2,3 2022 and hours of 9:00 a.m. to 5:00 p.m. on February 6, 2022. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments